

04/21/97

S/N 08/757,873

#3

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Umesh K. Mishra, et al.

Examiner: S. Meier

Serial No.: 08/757,873

Group Art Unit: 2503

Filed: November 27, 1996

Docket: 30794.12US01

Title: UV ASSISTED GALLIUM NITRIDE GROWTH

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MAY 14 1997

GROUP 2500

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The Office Action of April 2, 1997 restricted the above-identified application to one of the following inventions under 35 U.S.C. § 121:

Group I, claims 11-16, drawn to a semiconductor device;

Group II, claims 1-10, drawn to a process for making a semiconductor device; and

Group II, claims 17-20, drawn to a method of freeing a molecule.

The Applicants respectfully elect Group II with traverse for prosecution at this time. The Applicants respectfully submit

that the inventions are not distinct as claimed by the Examiner for the reasons herein.

Claims 11-16 are drawn to a semiconductor device made by a specified process as claimed in independent claim 11. The process of the product-by-process of Group I is claimed in group II, and thus, the product as claimed cannot be made by another and materially different process. Further, the process for making a semiconductor layer cannot be used to make a materially different product. Thus, the standards required in M.P.E.P. § 806.05(f) are not met, and the Applicants respectfully request that the restriction requirement pertaining to groups I and II be withdrawn.

Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call the undersigned attorney.

Respectfully submitted,

UMESH K. MISHRA, et al.

By their attorneys,

MERCHANT, GOULD, SMITH, EDELL,  
WELTER, & SCHMIDT

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By: Charles Berman

Charles Berman  
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Date 4/18/97

I hereby certify that the correspondence is being deposited with the United States Postal Service as first class mail to the Commissioner of Patents and Trademarks, Commissioner for Patents, Washington, D.C. 20231 on

April 18, 1997

(Date of Deposit)

Charles Berman

(Printed Name)

Charles Berman

(Signature)